

Notice of Allowability

Application No.

10/500,086

Examiner

Kianni C. Kaveh

Applicant(s)

AKAGAWA ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/05.
2. ☒ The allowed claim(s) is/are 35-56.
3. ☒ The drawings filed on 27 May 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

**KAVEH KIANNI
PRIMARY EXAMINER**

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Applicant's canceling of claims 1-34 in the amendment/response submitted on 6/27/05 is acknowledged.

Reason for Allowance

Claims 35-56 are allowed for the following reasons:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Pat. No. Edwards et al. (US 6404942).

Claims 35-51 are allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious first alignment marks on the light guide substrate; and, second alignment marks on the actuator substrate; wherein when the first alignment marks are aligned with the second alignment marks, the light guide substrate and the actuator substrate are aligned :such that the at least one mirror is aligned with the corresponding at least one mirror receiving recess such that each said at least one mirror is able to advance into and retract from the corresponding one said at least one mirror recess in combination with the rest of the limitations of the base claim.

Claims 52-55 are allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious aligning and joining the light guide substrate and the actuator substrate using the first and second alignment marks to align the first and second alignment marks; wherein when the first alignment marks are aligned with the second alignment marks, the light guide substrate and the actuator substrate are aligned such that the at least one mirror is aligned with the corresponding at least one mirror receiving recess such that each said at least one mirror is able to advance into

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and retract from the corresponding one said at least one error recess in combination with the rest of the limitations of the base claim.

Claim 56 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious first alignment marks formed on the light guide substrate for use in aligning the light guide substrate and the actuator substrate; and second alignment marks on the actuator substrate for use in aligning the light guide substrate and the actuator substrate; wherein the first alignment marks are formed on said surface of the light guide substrate, the second alignment marks are formed on said surface of the actuator substrate, and the actuator substrate permits transmission of infrared light therethrough in combination with the rest of the limitations of the base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

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The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.



K. Cyrus Kianni
Primary Patent Examiner
Group Art Unit 2883

**KAVEH KIANNI
PRIMARY EXAMINER**

September 9, 2005